

Appendix 6

Right-to-Farm Ordinances

Contra Costa County

Sacramento County

San Joaquin County

Solano County

Yolo County

Chapter 820-2 - GENERAL

Sections:

[820-2.002 - Short title.](#)

[820-2.004 - Findings.](#)

[820-2.006 - Definitions.](#)

[820-2.008 - Nonapplicability.](#)

820-2.002 - Short title.

This division shall be known and may be cited as the Right To Farm Ordinance.

(Ord. 97-38 § 2).

820-2.004 - Findings.

- (1) It is the declared policy of this county to enhance and encourage agricultural operations within the county. It is the further intent of this county to provide to its residents proper notification of the county's recognition and support, through this division, of the right to farm. (County General Plan, Section 8-7).
- (2) Where non-agricultural land uses extend into agricultural areas or exist side by side, agricultural operations frequently can be the subjects of nuisance complaints. As a result, agricultural operators may be forced to cease or curtail their operations. Such actions discourage investments in farm improvements, to the detriment of adjacent agricultural uses and the economic viability of the county's agricultural industry as a whole. It is the purpose and intent of this division to prevent the loss to the county of its agricultural resources by clarifying the circumstances under which agricultural operations may be considered a nuisance.
- (3) An additional purpose of the ordinance codified in this division is to promote a good-neighbor policy by requiring notification of purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residential use. Such concerns may include, but are not limited to, the noise, odors, dust, chemicals, smoke, and hours of operation that may accompany agricultural operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near rural areas.
- (4) The ordinance codified in this division is intended to carry out and advance the county's agricultural resources goals, policies, and implementation measures as set forth in the conservation element of the county general plan.

(Ord. 97-38 § 2).

820-2.006 - Definitions.

As used in this division, unless the context otherwise requires, the following words and phrases shall have the meanings given in this section:

- (1) "Agricultural land" means all that real property within the unincorporated area of the county currently used for agricultural operations, zoned for agricultural use, designated for agricultural purposes by the county general plan, or upon which agricultural operations may in the future be established, including publicly-owned land designated for park, recreation, open space, watershed, or other public purposes.
- (2) "Agricultural operation" means and includes the present and future application and use of agricultural technology (including the application of agricultural chemicals) for, but not limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture; the raising of livestock, fur-bearing animals, fish or poultry; and any commercial agricultural practices performed incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market.
- (3) "Agricultural processing operation" means and includes the canning or freezing of agricultural products, the processing of dairy products, the production and bottling of wine, the processing of meat and egg products, the drying of fruits and grains, the packing and cooling of fruits and vegetables, and the storage or warehousing of any agricultural products, and shall include processing for wholesale or retail markets of agricultural products.
- (4) "Continuous operation" means at least thirty days of agricultural processing operations per year.
- (5) "Proper and accepted customs and standards" means compliance with all applicable state and federal statutes and regulations governing agricultural operations or agricultural processing operations with respect to the condition or effect alleged to be a nuisance.

(Ord. 97-38 § 2).

820-2.008 - Nonapplicability.

This division is not to be construed as in any way modifying, invalidating, or abridging federal law or regulation, or state law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or any other applicable provision of federal or state law relative to nuisances; instead, it is only to be utilized in the interpretation and enforcement of the provisions of this code and county regulations.

(Ord. 97-38 § 2).

14.05.300 Notification.

a. Within one year of the date of adoption of the ordinance codified in this chapter, the Director shall cause notice to be mailed to owners of all property designated for agricultural use in the General Plan as well as adjacent to such property, located within the unincorporated area of Sacramento County, advising the owners that the Board of Supervisors has adopted a "Right-to-Farm Ordinance." The Board of Supervisors may elect to mail copies of this notice every three to five years with the annual tax bill as funds are available for such distribution. The notice may be in the form of a brochure, flyer, or some similar condensed document which outlines the general provisions of the ordinance and includes, substantially, the following statement:

"The Board of Supervisors of Sacramento County, on July 10, 1990, adopted a Right-to-Farm Ordinance. The purpose of this ordinance is to insure that established agricultural operations which are operated in a manner consistent with proper and accepted customs and standards be allowed to continue. Residents of property which are adjacent to land which is zoned for agricultural use or which is designated on the Sacramento County General Plan for agricultural use may be subject to inconveniences or discomfort from the pursuit of agricultural operations including but not limited to cultivation, plowing, spraying, fertilizing, pruning, and harvesting which occasionally generates dust, smoke, noise and odor; from the noise, odors, and other features attributed to the keeping of farm animals; and from the conduct of farming activities during typical working hours, as well as late in the evening, early in the morning, or 24-hours a day during certain times and seasons of the year. The Sacramento County Board of Supervisors has designated areas within its boundaries for agricultural uses and has adopted policies supporting continued agricultural production. Residents within these areas and on adjacent property should be prepared to accept such inconvenience and recognize that these uses will occur. If, however, an agricultural operation is being conducted in a manner which does not appear to be consistent with accepted agricultural practices, any person may file a complaint with the office of the Agricultural Commissioner, located at 4137 Branch Center Road, Sacramento, California."

b. For the purpose of mailing such notice the Director may utilize addresses from postal service zip code lists which include all property designated for agricultural use on the General Plan and property adjacent to property so designated. Failure to receive such notice shall not relieve any property owner or resident from any of the terms of this chapter. (SCC 0802 § 2, 1990.)

6-9004 - RIGHT TO FARM NOTICE.

- (a) To provide all property owners with constructive notice of San Joaquin County's right-to-farm policy, the ordinance codified in this chapter shall be recorded with the Clerk-Recorder of the County. The Clerk-Recorder's Office shall keep a copy of the right-to-farm ordinance prominently displayed in the Clerk-Recorder's Office.
- (b) For all discretionary approvals of parcel maps or subdivision maps involving agricultural land, or real property located adjacent to agricultural land, the San Joaquin County Community Development Department shall include as a condition of approval that the final recorded map shall contain the following statement: "All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences or discomforts associated with agricultural operations or activities, such as noise, odors, insects, dust or fumes. San Joaquin County has determined that such inconveniences or discomforts shall not be considered to be a nuisance."
- (c) The San Joaquin County Community Development Department shall provide all applicants for building permits for new residential construction or mobile home placement with a "right-to-farm notice" in substantially the form provided in Subsection (e) of this section.
- (d) The Treasurer-Tax Collector of the County shall mail a copy of the "right-to-farm notice" in substantially the form provided in Subsection (e) of this section to all owners of real property in San Joaquin County with the annual secured 2004-2005 tax bill and every year thereafter, so long as such notice does not increase the Treasurer-Tax Collector's administrative costs.
- (e) The "right-to-farm notice" shall contain, and be substantially in the form of, the following:

SAN JOAQUIN COUNTY RIGHT-TO-FARM NOTICE

The County of San Joaquin recognizes and supports the right to farm agricultural lands in a manner consistent with accepted customs, practices, and standards. Residents of property on or near agricultural land should be prepared to accept the inconveniences or discomforts associated with agricultural operations or activities, including but not limited to noise, odors, insects, fumes, dust, the operation of machinery of any kind during any twenty-four (24) hour period (including aircraft), the application by spraying or otherwise of chemical fertilizers, soil amendments, seeds, herbicides, and pesticides, the storage of livestock feed and other agricultural commodities, and the storage, application and disposal of manure. San Joaquin County has determined that inconveniences or discomforts associated with such agricultural operations or activities shall not be considered to be a nuisance. San Joaquin County has established a grievance committee to assist in the resolution of any disputes which might arise between residents of this County regarding agricultural operations or activities. If you have questions concerning this policy or the grievance committee, please contact the San Joaquin County Agricultural Commissioner at [contact telephone number to be inserted].

- (f) The San Joaquin County Community Development Department shall be responsible for the printing and related cost of the "right-to-farm notice" set forth in Subsection (e) of this section and shall supply the Treasurer-Tax Collector and the Clerk-Recorder with notices as needed.

(Ord. 4217 § 1 (part), 2004)

CHAPTER 2.2

AGRICULTURAL LANDS AND OPERATIONS

§ 2.2-10.	Definitions
§ 2.2-20.	Findings and policy
§ 2.2-30.	Nuisance
§ 2.2-40.	Notice to purchasers of real property
§ 2.2-50.	Installation of signs
§ 2.2-60.	Agricultural grievance committee
§ 2.2-70.	Severability

Sec. 2.2-10. Definitions

Unless the context otherwise requires, the following definitions in this section govern the construction of this chapter in order for more effective interpretation and enforcement.

Agricultural lands. Agricultural lands are those land areas of the county specifically classed and zoned as exclusive agricultural (A) districts, limited agricultural (A-L) districts, park (P) districts, watershed and conservation (W) districts, and marsh preservation (MP) districts, as those districts are defined in Chapter 28 of this Code and such other land actually used for agricultural operations.

Agricultural operations. Agricultural operations means and includes, but is not limited to, cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers; and production, irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry; and commercial practices performed as incident to or in conjunction with such agricultural operation, including preparation for market, delivery to storage or market, or to carriers or transportation to market.

(Ord. No. 1270 §1; Ord. No. 1378, §1)

Sec. 2.2-20. Findings and policy

It is the declared policy of this county to conserve and protect both intensive and extensive agricultural land, and encourage agricultural operations within the county, and to specifically protect those lands for exclusive agriculture use or uses which do not interfere with agricultural operations. Where nonagricultural uses, especially residential development, extends into agricultural areas or exist side by side, agricultural operations have often become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to cease or curtail operations and many others are discouraged from making investments in farm improvements, to the detriment of adjacent agricultural uses and economic

viability of the county's agricultural industry as a whole. It is the purpose and intent of this section to reduce the loss to the county of its agricultural resources by limiting the circumstances under which agricultural operations may be considered a nuisance. This section is not to be construed as in any way modifying or abridging state law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 of the Water Code relative to nuisances; but, rather, is only to be utilized in the interpretation and enforcement of the provisions of this Code and county regulations.

The further purpose of this Code is to promote a good neighbor policy between agriculturalists and residents by advising purchasers and residents of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence, including, but not limited to, the sounds, odors, dust, and chemicals that may accompany agricultural operations so that such purchasers and residents will understand the inconveniences that accompany living side by side to agriculture, and be prepared to accept such problems as the natural result of living in or near rural areas.

(Ord. No. 1270, §1; Ord. No. 1378, §1)

Sec. 2.20-30. Nuisance

No preexisting or future agricultural operation or any of its appurtenances conducted or maintained for commercial purposes and in a manner consistent with proper and accepted customs and standards on agricultural land shall become or be a nuisance, private or public, due to any changed condition of adjacent land uses in or about the locality thereof; provided, that the provisions of this section shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation or its appurtenances, or if the agricultural activity or appurtenance obstructs the free passage or use in the customary manner of any navigable lake, river, stream, canal or basin, or any public park, square, street or highway.

(Ord. No. 1270, §1; Ord. No. 1378, §1)

Sec. 2.2-40. Notice to purchasers of real property

Notice concerning this chapter may be given to purchasers of real property in the County of Solano by including the following notice with any preliminary title report and any grant deed, quitclaim deed, or land sale contract returned to the grantee by the Recorder after recording:

Notice to Purchaser of Real Property

Solano County is an agricultural county with many areas zoned for agricultural operations. The presence of farms and ranches yields significant aesthetic and economic benefits to the residents of

the County. Thus, the County's agriculture must be protected, including in areas where it is near residential development. To do this, Solano County has enacted Chapter 2.2 of its County Code, which provides that properly conducted agricultural operations will not be deemed a nuisance.

The ordinance further requires the County to give notice of the Ordinance and its provisions to buyers of real property located in Solano County. Accordingly, you are hereby notified that if the property you are purchasing is located close to agricultural lands or operations, you may be subject to inconvenience or discomfort from the following agricultural operations: cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers; and production, irrigation, pruning, growing, harvesting, and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry, and commercial practices performed as incident to or in conjunction with such agricultural operation, including preparation for market, delivery to storage or market, or to carriers or transportation to market. These operations may generate dust, smoke, noise and odor.

If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and a healthy agriculture sector.

To assist in resolving problems between residential and agricultural land use, an Agricultural Grievance Committee has been created in Solano County to arbitrate and mediate disputes concerning agricultural operations. For information concerning where agricultural operations are located in relation to your property, you may contact the Solano County Department of Environmental Management, 675 Texas Street, Suite 5500, Fairfield. For questions concerning the specific kinds of agricultural operations in your area, including their use of fertilizers and pesticides, and information on the

Agricultural Grievance Committee, you should contact the Solano County Agricultural Commissioner, 501 Texas Street, Fairfield.

This notice is given for informational purposes only and nothing in the Ordinance or this Notice should be deemed to prevent you from complaining to any appropriate agency or taking any other available remedy concerning any unlawful or improper agricultural practice.

(Ord. No. 1270, §1; Ord. No. 1378, §1; Ord. No. 1630, §1)

Sec. 2.2-50. Installation of signs

The county may install or permit the installation of signs at the entry of or within established farming areas zoned as "agricultural land" to notify and explain to purchasers that some of the land in this area is being used for agricultural purposes and that the producers' interests are protected by law. The prospective purchaser of such land or a residence is advised to check local agencies as to any regulation or requirements which may affect agricultural property and of inherent potential problems associated with a purchase of such property or a residence in areas zoned as an "agricultural land" and of the likely effects of such agricultural operations.

(Ord. No. 1270, §1; Ord. No. 1378, §1)

Sec. 2.2-60. Agricultural grievance committee

There is hereby established the Solano County Agricultural Grievance Committee which shall arbitrate and mediate disputes involving agricultural land and issue opinions on whether agricultural operations constitute nuisance. The committee shall have five regular and five alternate members serving three-year terms appointed by a majority vote of the board of supervisors. Two regular and two alternate members familiar with agricultural practices shall be appointed from persons recommended by the board of directors of the Solano County Farm Bureau, who shall be persons receiving not less than a majority of their income from farming. One regular and one alternate member familiar with rural residential living, and one regular and one alternate member familiar with urban living shall be appointed, who shall be county residents. One regular and one alternate public member recommended by the other four members of the committee shall be appointed to represent the general public. Four members shall constitute a quorum. Alternates shall replace only their associate regular member when absent. The members shall draw lots to determine the expiration date of the term of each member so that three terms of regular and associate alternate members expire on December 31, 1987, and two terms of regular and associate alternate members shall expire on December 31, 1986. The committee shall select a chairman who shall preside over meetings. The

agricultural commissioner shall be the secretary, who shall call meetings when the need arises or as determined by the chairman, and shall maintain minutes of each meeting. A farm advisor from the University of California Cooperative Extension Service, Solano County, may serve as technical advisor to the committee. Any interested party may apply to the committee for mediation and arbitration involving disputes over agricultural operations or for an opinion whether agricultural operations constitute a nuisance by contacting the agricultural commissioner.

(Ord. No. 1270, §1; Ord. No. 1378, §1)

Sec. 2.2-70. Severability

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of the chapter.

(Ord. No. 1270, §1; Ord. 1378, §1)

Chapter 6
AGRICULTURE

Sections:

**Article 1. Right to Farm: Dispute Resolution:
Notice to Purchasers of Nearby Properties**

- 10-6.101 Definitions.**
- 10-6.102 Property operated farm not a nuisance.**
- 10-6.103 Construction with other laws.**
- 10-6.104 Resolution of disputes.**

Article 2. Agricultural Nuisances

- 10-6.201 Purpose and Findings.**
- 10-6.202 Definitions.**
- 10-6.203 Effect on other laws.**
- 10-6.204 Administration and enforcement.**
- 10-6.205 Nuisance Abatement.**
- 10-6.206 Form of Notice to Abate.**
- 10-6.207 Service Procedures.**
- 10-6.208 Appeals: Agricultural Nuisance Appeals Board.**
- 10-6.209 Appeals.**
- 10-6.210 Appeals: Notice.**
- 10-6.211 Appeals: Recommendations.**
- 10-6.212 Appeals: Decision.**
- 10-6.213 Appeals: Removal.**
- 10-6.214 Summary Abatement.**
- 10-6.215 Right of entry of certain persons.**
- 10-6.216 Abatement costs.**
- 10-6.217 Collection of costs.**
- 10-6.218 Notice of abatement lien.**

Article 3. Organic Certification

- 10-6.301 Purpose and Findings.**
- 10-6.302 Definitions.**
- 10-6.303 Program Authority and Fees.**
- 10-6.304 Eligibility.**
- 10-6.305 Certification Criteria.**
- 10-6.306 Enforcement.**

**Article 1. Right to Farm: Dispute Resolution:
Notice to Purchasers of Nearby Properties**

Sec. 10-6.101. Definitions.

As used in this article the following terms shall have the following meanings:

(a) "Agricultural Land" means those land areas of the County specifically classed and zoned as Agricultural Preserve (A-P), Agricultural Exclusive (A-E), and Agricultural General (A-1), as those zones are defined in the Yolo County Zoning Ordinances.

(b) "Agricultural activity, operation, or facility or appurtenances thereof" means and includes, but is not limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost

protection, cultivation, growing, harvesting, and processing of any commercial agricultural commodity, including timber, viticulture, agriculture or horticulture, the raising of livestock, fur-bearing animals, fish or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with such operations, including the application of pesticides, use of farm equipment, storage or preparation for market, delivery to storage or to market, or to carriers for transportation to market. (§ 2, Ord. 1133, eff. January 2, 1992)

Sec. 10-6.102. Property operated farm not a nuisance.

(a) No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained on agricultural lands for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three (3) years if it was not a nuisance at the time it began.

(b) Subsection (a) of this section shall not apply if the agricultural activity, operation, or facility, or appurtenances thereof obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.

(c) This section shall not invalidate any provision contained in the Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 (commencing with Section 13000) of the Water Code, if the agricultural activity, operation, or facility, or appurtenances thereof, constitute a nuisance, public or private, as specifically defined or described in any such provision.

(d) Notwithstanding any other provision of this Code, no action, alleging that an agricultural operation has interfered with private property or personal well-being, shall be maintained unless the plaintiff has sought and obtained a decision of the agricultural grievance committee provided in Section 10-6.104 of this chapter or a decision has been sought but no decision is rendered within the time limits provided in said section. This subsection shall not prevent a public agency from enforcing the provisions of other applicable laws without first resorting to the grievance procedure. (§ 2, Ord. 1133, eff. January 2, 1992)

Sec. 10-6.103. Construction with other laws.

This chapter shall take precedence over all ordinances or parts of ordinances or resolutions

or parts of resolutions in conflict herewith. (§ 2, Ord. 1133, eff. January 2, 1992)

Sec. 10-6.104. Resolution of disputes.

(a) Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation of the parties involved, either party may submit the controversy to a grievance committee as set forth below in an attempt to resolve the matter prior to the filing of any court action.

(b) Any controversy between the parties shall be submitted to the grievance committee within thirty (30) days of the later of the date of the occurrence of the particular activity giving rise to the controversy or the date a party became aware of the occurrence.

(c) The grievance committee shall consist of five (5) members appointed from the community at large by the Board of Supervisors, and serving at the pleasure of the Board of Supervisors, two (2) of whom shall be engaged in the commercial practice of agriculture, two (2) of whom shall have no financial interest in any agricultural property or operation, and one of whom shall have knowledge of and expertise in agricultural production practices. A majority of the members shall constitute a quorum of the grievance committee, and no decision shall be valid or binding unless taken upon a majority vote of the members present. The Yolo County Agricultural Commissioner shall be the Secretary who shall call meetings as the need arises and shall maintain minutes of each meeting. The committee shall adopt rules of procedure governing the conduct of its meetings. Members of the committee shall receive no compensation for carrying out these duties.

(d) The effectiveness of the grievance committee as a forum for resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

(e) The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Thereafter the committee may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting both parties shall have an opportunity to present what each considers to be pertinent facts. No party bringing a complaint to the committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the

committee may be extended upon the written stipulation of all parties in a dispute.

(f) Any reasonable costs associated with the functioning of the grievance committee process shall be borne by the participants. The Board of Supervisors may, by resolution, prescribe fees to recover those costs. (§ 2, Ord. 1133, eff. January 2, 1992)

Article 2. Agricultural Nuisances.

Section 10-6.201. Purpose and Findings.

(a) Under Section 25842 of the Government Code, the Board of Supervisors may provide for the control or destruction of gophers, squirrels, vermin, other wild animals, noxious weeds, plant diseases, and insects injurious to fruit or fruit trees, vines, vegetables, or plant life. These items are considered to be Agricultural Nuisances. Section 25845 of the Government Code provides that the Board of Supervisors may establish by ordinance a procedure for the abatement of a nuisance.

(b) At present, the enforcement provisions of the Food and Agriculture Code are set forth in Chapters 6 and 7, Part 1, Division 4. These provisions call for a lien to be recorded on the subject property within 120 days in the event of non-payment. If no payment is received within 120 days of recording the district attorney is required to foreclose on the lien or the lien ceases to exist. This enforcement provision is onerous and virtually impossible to implement.

(c) The Board finds that prompt and effective control of Agricultural Nuisances is essential to protect our agricultural operations. An ordinance with reasonable enforcement provisions is essential to accomplish this. This ordinance provides for the collection of unpaid abatement costs by the Treasurer-Tax Collector with the same priority as other County taxes as provided for under Section 25845(d) of the Government Code.

Section 10-6.202. Definitions.

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases are defined as follows:

(a) "Abatement" shall include the eradication, destruction, or control, to the satisfaction of the Agricultural Commissioner, of the Agricultural Nuisance.

(b) "Agricultural Nuisance" include, but are not limited to, gophers, squirrels, vermin, other wild animals, noxious weeds, plant diseases, and insects injurious to fruit or fruit trees, vines, or vegetable or plant life.

(c) "County Code" means the Yolo County Code.

(d) "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

(e) "Responsible Person" is the person having control of or acting as an agent for the property. The term "Responsible Person" includes but is not limited to a property owner, tenant, or a person with a legal interest in, or possession of, real property where a nuisance occurs or exists.

Section 10-6.203. Effect on other laws.

The provisions of this chapter are not the exclusive regulation of Agricultural Nuisances within the unincorporated area of the County. The provisions of this chapter shall supplement and be in addition to the other regulatory codes, statutes, and laws heretofore or hereafter enacted by the County, the State, or any other legal entity or agency having jurisdiction.

Section 10-6.204. Administration and enforcement.

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the Agricultural Commissioner. In the enforcement of the provisions of this chapter, the Agricultural Commissioner or his designees may enter upon both private and public property to determine whether an Agricultural Nuisance exists pursuant to the provisions of this chapter.

Section 10-6.205. Nuisance Abatement.

Whenever an Agricultural Nuisance is ascertained to exist by the Agricultural Commissioner, the Agricultural Commissioner shall notify the person having control of or acting as an agent for the property, to abate or remove such nuisance within thirty (30) calendar days. Upon neglect or refusal of such person to comply with such notice, the Agricultural Commissioner may abate such nuisance, and the person having control of such premise or place, shall be liable to the County of Yolo for the cost of such abatement as provided for in Section 10-6.216.

Section 10-6.206. Form of Notice to Abate.

The form of all Notices to Abate given under this Chapter shall be as follows:

- (a) All notices shall be in writing;
- (b) All notices shall include a description of the premises sufficient for identification;

(c) All notices shall include a statement as to what Agricultural Nuisance exists on the property and why the notice is being issued;

(d) All notices shall state that the Responsible Person has thirty (30) calendar days to abate the Agricultural Nuisance;

(e) All notices shall inform the Responsible Person of the right to appeal to the Agricultural Nuisance Appeals Board in writing within fifteen (15) days of receiving the Notice to Abate; and

(f) All notices shall include notification that should the Responsible Person fail to abate the Agriculture Nuisance, the Agricultural Commissioner or his designee shall have the right to abate such nuisance, and that the Responsible Person shall be liable to the County of Yolo for the cost of such abatement as provided for in Section 10-6.216.

Section 10-6.207. Service Procedures.

A Notice to Abate or Remedy shall be served in the following manner:

(a) Personal Service. In any case, where a Notice to Abate is issued:

(1) The Agricultural Commissioner or his designee shall attempt to locate and personally serve the Responsible Person and attempt to obtain the signature of the Responsible Person on the Notice to Abate.

(2) If the Responsible Person served refuses or fails to sign the Notice to Abate, the failure or refusal to sign shall not affect the validity of the Notice to Abate or of subsequent proceedings.

(b) Service of Notice to Abate by Mail and Posting. If the Agricultural Commissioner is unable to locate the Responsible Person after reasonable efforts, the Notice to Abate shall be mailed by certified mail, postage prepaid with return receipt to the owner of the land as shown on the last equalized County assessment roll, to the last registered legal owner of record, and any other address that is reasonably calculated to give the Responsible Person actual notice of the Notice to Abate. The Agricultural Commissioner shall also post the Notice to Abate on the subject real property within the County. Service shall be effective upon mailing or posting, whichever is later.

Section 10-6.208. Appeals: Agricultural Nuisance Appeals Board.

The Agricultural Nuisance Appeals Board shall consist of the same members as the Right To Farm Grievance Committee established in Section 10-6.104(c) of the Yolo County Code.

Section 10-6.209. Appeals.

The Responsible Person may request a hearing in writing with the Agricultural Nuisance Appeals Board within fifteen (15) calendar days of service of notice to abate or remove. A request for a hearing shall temporarily suspend the obligation to abate or remove the Agricultural Nuisance demanded in the Notice until the appeal has been heard. Such hearing shall take place as soon as practicable after the request is made. The right to an appeal shall be deemed waived if the Responsible Person fails to request an appeal within fifteen (15) calendar days of service of the Notice to Abate.

Section 10-6.210. Appeals: Notice.

The

Notice of a hearing shall be mailed at least ten (10) days before the hearing by certified mail, with return receipt, to the person requesting the hearing. Notice shall also be provided to the owner of the land as shown on the last equalized County assessment roll and to the last registered and legal owner of record. If any of such notices are returned undelivered by the United States Post Office, the hearing shall be continued to a date not less than ten (10) days from the date of such return.

Section 10-6.211. Appeals: Recommendations.

All hearings held pursuant to the provisions of this chapter shall be held before the Agricultural Nuisance Appeals Board, which shall hear all facts and testimony it deems pertinent. Such facts and testimony may include testimony on the condition of the property, or part thereof, and the circumstances concerning the Agricultural Nuisance. The Agricultural Nuisance Appeals Board shall not be limited by the technical rules of evidence. The person requesting the appeal may appear in person at the hearing, or present a written statement in time for consideration at the hearing, and deny responsibility for the Agricultural Nuisance on the land, with his or her reasons for such denial.

The Agricultural Nuisance Appeals Board may recommend to the Board of Supervisors such conditions and other actions as it deems appropriate under the circumstances to carry out the purposes of this chapter, including, but not limited to, a delay in the time for removal of the Agricultural Nuisance, if, in its opinion, the circumstances so justify. At the conclusion of the hearing, the Agricultural Nuisance Appeals Board may determine that the property, or part thereof, is an Agricultural Nuisance, and recommend that the nuisance be removed from the property and disposed of as provided for in this chapter. The Agricultural Nuisance Appeals Board may also

determine the administrative costs and the cost of removal to be charged against the owner of the parcel of land on which the Agricultural Nuisance is located in accordance with Section 10-6.216. The recommendation of removal shall include a description of the property, or part thereof, the correct assessor's parcel number and the Agricultural Nuisance to be removed from the property. If a written presentation is made to the Agricultural Nuisance Appeals Board, the person providing the written presentation shall be notified in writing of the recommendation.

Section 10-6.212. Appeals: Decision.

The Board of Supervisors may adopt the recommendation of the Agricultural Nuisance Appeals Board without further notice of hearing or may set the matter for hearing at a regular Board meeting.

Should the Board of Supervisors adopt the recommendation of the Agricultural Nuisance Appeals Board, notice of the decision shall be provided to the person who requested the hearing, as well as the owner of the land as shown on the last equalized County assessment roll and to the last registered and legal owner of record.

Should the Board of Supervisors set the matter for hearing at a regular Board meeting, notice of the hearing shall be mailed to the person who requested the hearing. Notice shall also be provided to the owner of the land as shown on the last equalized County assessment roll and to the last registered and legal owner of record. Notice shall be given at least ten (10) days before the hearing by certified mail, with a return receipt. If any of such notices are returned undelivered by the United States Post Office, the hearing shall be continued to a date not less than ten (10) days from the date of such return.

Section 10-6.213. Appeals: Removal.

Unless otherwise provided for at the hearing, within fifteen (15) days after the adoption of the decision declaring the property, or parts thereof, to be an Agricultural Nuisance, the Agricultural Nuisance must be removed or remedied.

Section 10-6.214. Summary Abatement.

Consistent with California Government Code Section 25845(a), nothing in this Section is intended to prohibit the summary abatement of an Agricultural Nuisance by the Agricultural Commissioner, if the Agricultural Commissioner determines that the Agricultural Nuisance constitutes an immediate threat to public health or safety.